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GOVERNMENT GAZETTE

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SUPPLEMENT

(SUPLEMENTO)

GOVERNMENT OF GOA, DAMAN AND DIU

Legislative Assembly of Goa, Daman and Diu

Legislature Department

LA/2240/68

In exercise of the powers conferred on him by rule 117 of the Rules of Procedure and Conduct of Business of the Legislative Assembly of Goa, Daman and Diu, the Speaker has ordered publication of the following Bill for general information.

The Goa, Daman and Diu Excise Duty (Amendment) Bill, 1968
(Bill No. 10 of 1968)

A Bill further to amend the Goa, Daman and Diu Excise Duty Act, 1964.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Nineteenth Year of the Republic of India as follows: —

1. Short title and commencement. — (1) This Act may be called the Goa, Daman and Diu Excise Duty (Amendment) Act, 1968.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 20. — In section 20 of the Goa, Daman and Diu Excise Duty Act, 1964 (here-

inafter referred to as the 'Principal Act'), the following Explanation shall be added at the end, namely: —

"Explanation: For the purposes of this section, "excisable goods" means liquor on which duty is leviable under this Act and includes the container thereof".

3. Insertion of new section 35A. — After section 35 of the Principal Act, the following section shall be inserted, namely: —

"35A Punishment for attempt to commit offences. — Whoever attempts to commit an offence punishable under this Act, or to cause such an offence to be committed and in such attempt does any act towards the commission of such offence, shall be punishable —

(a) where the offence is punishable with imprisonment only, with imprisonment for a term which may extend to one-half of the longest term of imprisonment provided for such offence, or

(b) where the offence is punishable with fine only, with such fine as is provided for the offence, or

(c) where the offence is punishable with both imprisonment and fine, with imprisonment for a term which may extend to one-half of the longest term of imprisonment provided for such offence and also with such fine as is provided for such offence".

4. **Amendment of section 36A.**—In section 36A of the principal Act, after section (2), the following sub-section shall be inserted, namely:—

“(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, any offence under this Act, may be tried summarily”.

5 of 1898

5. **Amendment of Schedule.**—In the Schedule to the principal Act,—

(a) in Part A, item (6) shall be omitted;

(b) in Part C—

(i) under the sub-heading “I. Manufacture” after item (6), the following item shall be inserted, namely:—

“(7) For bottling of country liquor: Rs. 50”.

(ii) under the sub-heading “IV. Miscellaneous”, in item (1), for the words “after the prescribed time of closing”, the words “before or after the prescribed time of opening or closing, as the case may be”, shall be substituted.

Financial memorandum

No financial commitment is involved in this Bill as the officers of Excise who are administering the Excise Duty Act will execute all the provisions of this bill and there will be no extra expenditure in its enforcement.

Statement of objects and reasons

Whilst implementing the Excise Duty Act, certain difficulties were experienced which are proposed to be removed by the present amending Bill.

The Act does not, *inter alia*, provide for giving punishment whenever attempts are made to commit an offence thereunder nor does it provide for summary trial of petty offences. Suitable provisions have been proposed to that effect.

Experience has also shown that although ordinarily liquor is detained and confiscated along with containers where sums due to Government are to be realised the Act by itself does not provide for auctioning anything other than liquors. An amendment is sought to make the relevant provision broad based.

Just like other liquors, bottling of country liquor has also been proposed to be subjected to an annual licence fee of Rs. 50/-. Denatured spirits which have no scope in human consumption have been proposed to be excluded from being taxed under the existing Act.

A suitable amendment has also been proposed to avail of authority to grant permission to open liquor shops earlier than the prescribed hours of sale.

The Administrator has recommended the introduction and consideration of the bill under Section 23 of the Government of Union Territories Act, 1963.

Panaji,
1st July, 1968.

D. B. BANDODKAR
Chief Minister

ASSEMBLY HALL

Panaji,
5th July, 1968.

R. L. SEGEL
Secretary to the Legislative Assembly
of Goa, Daman and Diu